

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RICHARD MARSHALL,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06-cv-701-ID-CSC
)	
CHRIS WEST, in his individual capacity,)	
LASHUN HUTSON, in his individual)	
capacity,)	
)	
Defendants.)	

DEFENANT CHRIS WEST’S MOTION FOR SUMMARY JUDGMENT

COMES NOW Lowndes County Deputy Sheriff Chris West, a Defendant in the above-entitled action, and pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves the Court to enter an Order granting him judgment in his favor as a matter of law. In support thereof, Defendant states as follows:

1. The Plaintiff has four, and arguably five, remaining federal Fourth Amendment individual capacity claims against Chris West: (1) illegal traffic stop; (2) false arrest; (3) illegal search; (4) excessive force; and (5) malicious prosecution.
2. The evidentiary record demonstrates that no rational jury could conclude that the Plaintiff has a valid claim against Chris West.
3. Chris West is entitled to qualified immunity and judgment in his favor as a matter of law on each of the Plaintiff’s remaining claims.
4. Chris West requests the opportunity to be heard orally on this motion.

Respectfully submitted this the 12th day of February, 2008.

s/Gary L. Willford, Jr.
DARYL L. MASTERS Bar No. MAS018
GARY L. WILLFORD, JR. – Bar No. WIL198
Attorneys for Defendant Chris West
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
P.O. Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: gwillford@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on **February 12, 2008**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Jay Lewis, Esq., Rick Howard, Esq.**

s/Gary L. Willford, Jr.
OF COUNSEL